

Message Text

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17

ORIGIN EB-07

INFO OCT-01 ARA-06 ISO-00 CAB-02 CIAE-00 COME-00 DODE-00

DOTe-00 INR-07 NSAE-00 FAA-00 L-02 SS-15 PA-01 PRS-01

USIA-06 EUR-12 TRSE-00 TAR-01 H-02 /063 R

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ARA/CAR - T. MACKLIN

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R 242140Z MAR 75

FM SECSTATE WASHDC

TO AMEMBASSY PORT OF SPAIN

INFO AMEMBASSY BRIDGETOWN

AMEMBASSY GEORGETOWN

AMEMBASSY KINGSTON

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E.O. 11652:N/A

TAGS: EAIR, TD

SUBJECT: BWIA TARIFF FILING

REF: A) PORT OF SPAIN 608; B) STATE 57909

1. DEPARTMENT WISHES TO CORRECT ANY MISAPPREHENSION THAT NONACCEPTANCE OF TARIFF NOTIFICATION BY MEANS GOTT NOTE MAY BE UNREALISTIC AND PERHAPS ARBITRARY. THE ISSUE TOUCHES ON BOTH THE INTERPRETATION OF THE US-UK BILATERAL AND ON THE APPLICABILITY OF US STATUTES.

2. THE CIVIL AERONAUTICS BOARD (CAB) IS A REGULATORY AGEN CHARGED WITH ENFORCING AIRLINE TARIFF FILINGS PER TITLE III
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SECTION 403 OF FEDERAL AVIATION ACT. UNDER THIS PROVISION

ALL CARRIERS MUST "FILE WITH THE BOARD, AND PRINT, AND KEEP OPEN TO PUBLIC INSPECTION, TARIFFS SHOWING ALL RATES, FARES, AND CHARGES FOR AIR TRANSPORTATION AND SHOWING TO THE EXTENT REQUIRED BY REGULATIONS OF THE BOARD, ALL CLASSIFICATIONS, RULES, REGULATIONS, PRACTICES, AND SERVICES IN CONNECTION WITH SUCH AIR TRANSPORTATION. TARIFFS SHALL BE FILED, POSTED, AND PUBLISHED IN SUCH FORMS AND MANNER, AND SHALL CONTAIN SUCH INFORMATION, AS THE BOARD SHALL BY REGULATION PRESCRIBE...". THE TARIFF FILING REQUIREMENT

HOLDS FOR ALL AIRLINES, WHETHER GOVERNMENT OR PRIVATELY OWNED, AND FOR BOTH AIRLINE DETERMINED AND GOVERNMENT DIRECTED FARES. GOTT NOTE IN LIEU OF AIRLINE FILING WAS INCONSISTENT WITH THIS PROVISION.

3. ABOVE PROCEDURES ARE NECESSARY TO PROVIDE STANDARD FOR COMPARING TARIFFS THEREBY ENABLING INTERESTED PARTIES TO SUBMIT COMMENTS AND FACILITATING CAB DELIBERATIONS ON SUBSTANCE OF TARIFF CHANGES. WE BELIEVE THAT ABOVE STATUTE IS FULLY CONSISTENT WITH US-UK AIR TRANSPORT AGREEMENT AS ACCEPTED BY GOTT. ALL AIRLINES, INCLUDING THOSE COVERED BY US-UK AGREEMENT AND OTHER CIVIL AIR AGREEMENTS ARE EXPECTED TO COMPLY.

4. BWIA FILING HAS NOT BEEN RECEIVED AT CAB TO DATE. DEPARTMENT WILL KEEP EMBASSY INFORMED OF ALL FURTHER DEVELOPMENTS. KISSINGER

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Message Attributes

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